
**Salary, Allowances And Pension Of Members Of Parliament
(Amendment) Act, 2003**

9 of 2004

[09 January 2004]

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An Act further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954. BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:--

1. Short Title :-

This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003.

2. Amendment Of Section 2 :-

In section 2 of the Salary, Allowances and Pension of Members of Parliament Act, 1954(30 of 1954) (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:--

(aa) "dependent" means any of the following relatives of a deceased member, namely:--

- (i) a minor legitimate son, and an unmarried legitimate daughter and a widowed mother; or
- (ii) if wholly dependent on the earnings of the member at the time of his death, a son or a daughter who has attained the age of eighteen years and who is infirm; or
- (iii) if wholly or in part dependent on the earnings of the member at the time of his death,--
 - (a) the parent; or
 - (b) a minor brother or an unmarried sister; or
 - (c) a widowed daughter-in-law; or
 - (d) a minor child of a pre-deceased son; or
 - (e) a minor child of a pre-deceased daughter where no parent of the child is alive; or
 - (f) the paternal grandparent if no parent of the member is alive; or
 - (g) such other person as may be specified by the rules made under section 9 by the Joint Committee;.

3. Amendment Of Section 4 :-

In section 4 of the principal Act,--

(a) in sub-section (2), after the second proviso, the following provisos shall be inserted, namely:-

"Provided also that in case a member resides within a distance of three hundred kilometers from Delhi, he or his spouse, for the journey performed by him by road, may draw the mileage allowance referred to in sub-clause (ii) of clause (c) of sub-section (1) in place of the travelling allowance which would have been admissible to him had he performed such journey by rail or by road, as the case may be:

Provided also that in case a member resides in the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim or Tripura, he or his spouse may draw the mileage allowance referred to in sub-clause (ii) of clause (c) of sub-section (1) for journey performed by him by road from his residence in any of the said States to the nearest airport.";

(b) after sub-section (3), the following sub-section shall be inserted, namely:--

"(4) There shall be paid to a person--

(a) who has been elected in a biennial election as a member of the Council of States but the notification in the Official Gazette notifying his name under section 71 of the Representation of the People Act, 1951(43 of 1951) has not been published in the Official

Gazette; or

(b) who has been elected as a member of the House of the People in a general election held for the purpose of constituting a new House of the People but the notification in the Official Gazette notifying his name under section 73 of the Representation of the People Act, 1951(43 of 1951) has not been published in the Official Gazette; or

(c) who has been elected in a bye-election as a member of either House of Parliament or nominated as a member to either House of Parliament,

an amount equivalent to the fare in respect of every journey performed by him for coming to Delhi before the publication of notification referred to in clause (a) or clause (b), or election or nomination under clause (c):

Provided that in case the journey is performed by rail or steamer or road, he shall be entitled to the reimbursement of the fare or road mileage to which a member is entitled:

Provided further that in case he performs the journey by air, such journey shall be included for the purpose of counting thirty-two journeys referred to in the first proviso to sub-section (2) of section 5."

4. Amendment Of Section 5 :-

In section 5 of the principal Act, in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:--

"Provided also that the spouse or companion of a member, as the case may be, may alone perform maximum eight journeys by air from any place of India to the place in India for the purpose of visiting such member and such journey shall be included for the purpose of counting thirty-two journeys referred to in the first proviso to sub-section (2)."

5. Insertion Of New Section 5A :-

After section 5 of the principal Act, the following section shall be inserted, namely:--

5A. Transit accommodation. Where a person referred to in sub-section (4) of section 4 comes to Delhi, he shall be entitled to such transit accommodation for such period as may be specified by the rules made under clause (ccc) of sub-section (3) of section 9 by the Joint Committee."

6. Amendment Of Section 8A :-

In section 8A of the principal Act, for sub-sections (1) and (1A), the following sub-sections shall be substituted, namely:--

(1) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, there shall be paid a pension of three thousand rupees per mensem to every person who has served for any period, as a member of the Provisional Parliament or either House of Parliament:

Provided that where any person has served as a member of the Provisional Parliament or either House of Parliament for a period exceeding five years, there shall be paid to him an additional pension of six hundred rupees per mensem for every year in excess of five years.

Explanation.--For the purpose of this sub-section, "Provisional Parliament" shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution.

(1A) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, there shall be paid a pension of rupees one thousand and five hundred per mensem, to the spouse, if any, or dependent of any member who dies during his term of office as such member, for a period of five years from the date of his death.

Explanation.---For the removal of doubts, it is hereby declared that the spouse or the dependent of the member referred to in this sub-section shall be entitled to receive the family pension even if the member has died on or before the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003..

7. Substitution Of New Section For Section 8Aa :-

For section 8AA of the principal Act, the following section shall be substituted, namely:---

"8AA. Travel facilities to ex - Members. Every person who is not a sitting Member but has served for any period as a Member of either House of Parliament shall be,-

(a) with effect from the 18th day of January, 1999, entitled along with a companion to travel in any train by any railway in India in air-conditioned two-tier class; or

(b) entitled to travel alone in any train by any railway in India in

air-conditioned first class, without payment of any charges on the basis of an authorisation issued for this purpose by the Secretariat of either House of Parliament as the case may be."

8. Insertion Of New Section 8Ab :-

After section 8AA of the principal Act, the following section shall be inserted, namely:--

"8AB. Rounding off period of pension. Where the period for which the pension is payable under this Act contains a part of a year, then, if such part is nine months or more, it shall be reckoned equivalent to complete one year for the purpose of payment of additional pension under sub-section (1) of section 8A and if such part is less than nine months, it shall be ignored."

9. Amendment Of Section 9 :-

In section 9 of the principal Act, in sub-section (3),--

(i) after clause (a) the following clause shall be inserted, namely:--

"(aa) the person who may be specified as dependent under sub-clause (g) of clause (ad) of section 2;";

(ii) after clause (cc), the following clause shall be inserted, namely:--

"(ccc) the transit accommodation and the period for which such accommodation may be provided under section 5A:";

(iii) after clause (ff), the following clause shall be inserted, namely:--

"(fff) provide for carry forward of unutilised free telephone calls pertaining to any year beginning on or after the 1st day of April, 2002 to any subsequent year;".